

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAYMOND RUSSELL,

Plaintiff,

-v-

No. 1:24-CV-05352-LTS

UNITED PARCEL SERVICE, INC.,

Defendant.

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ORDER

The Amended Complaint in this action identifies Defendant United Parcel Service, Inc. (“UPS”) as a Delaware corporation with its principal place of business in Atlanta, Georgia. (Docket entry no. 22 (“Amended Complaint”) ¶ 4.) Pending before the Court is a motion filed by an entity identifying itself as Defendant United Parcel Service, Inc. (Ohio) (“UPS Ohio”) to dismiss Claim I of Plaintiff Raymond Russell’s Amended Complaint. (Docket entry no. 23 (the “Motion”).) In its memorandum of law in support of the motion, UPS Ohio identified “UPS’s publicly-traded parent company United Parcel Service, Inc. (Delaware)” as a separate entity from the Movant and asserts that federal grant funds referred to in the Amended Complaint as predicates for Plaintiff’s claims were given to the Delaware parent company, not UPS Ohio. (Docket entry no. 24 at 2, 9-10.) It thus appears that the Motion has been brought by an entity not named in the Amended Complaint as a party to this action, and the Court cannot properly address the Motion.

Accordingly, the Motion is denied without any prejudice to proper motion practice by the entity named as defendant in the Amended Complaint, i.e., UPS (Delaware). The

named entity's time to respond to the Amended Complaint is extended for 21 days from the date of this Order. This Order resolves docket entry no. 23.

SO ORDERED.

Dated: New York, New York
June 9, 2025

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge